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January 25, 2012

BY ECF

The Honorable John Gleeson
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Kaziu,*
09 Cr. 660 (JG)

Dear Judge Gleeson:

This letter is in regard to the sentencing of Betim Kaziu, and relates to the recommendation that is part of the Addendum to the Pre-Sentence Report “PSR”). The Addendum provided to me did not include the recommendation. Upon inquiring, I was informed by the United States Department of Probation that the recommendation is not provided to counsel unless expressly ordered by the Court. However, that is contrary to Rule 32(e)(3), Fed.R.Crim.P., which provides that

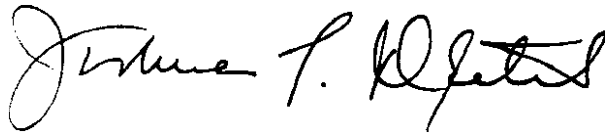
Thus, pursuant to Rule 32(e)(3), the default position with respect to the recommendation is *disclosure*, rather than *non-disclosure*. Yet here the process has been reversed, with an order by the Court required to release the recommendation. Regardless of that practice, and cognizant of the language of Rule 32(e)(3), it is respectfully requested that the Court direct that the recommendation be provided to the parties in this case. The recommendation is particularly important in this case with respect to fashioning appropriate sentencing arguments, as the PSR calculates the Guidelines range at life imprisonment, and the statutory range is as vast as possible: from probation to life imprisonment.

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Accordingly, it is respectfully requested that the Court direct that the recommendation be provided to the parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua L. Dratel", with a stylized flourish at the end.

Joshua L. Dratel

JLD/

cc: Shrieve Ariail
Assistant United States Attorney
(Via Electronic Mail)

Michelle Espinoza
United States Probation Officer
(By Electronic Mail)